

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN DALE OLD CHIEF,

Defendant.

CR-16-73-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 2, 2021. (Doc. 64.) Ryan Old Chief (Old Chief) filed an objection on June 2, 2021. (Doc. 65.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on June 1, 2021. (Doc. 59.) The United States accused Old Chief of violating his conditions of supervised release by using methamphetamine. (Doc. 57.) At the revocation hearing, Old Chief admitted to violating the terms of his supervised release by using

methamphetamine. (Doc. 59.) Judge Johnston found the violation Old Chief admitted is serious and warrants revocation of Old Chief's supervised release. Judge Johnston recommended Old Chief should be incarcerated for 6 months, with 32 months of supervised release to follow. (Doc. 64.) Wells was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 59.)

Old Chief now opposes Judge Johnston's Findings and Recommendations, objecting to the length of custodial sentence. (Doc. 65.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Wells' objection. The undersigned conducted a revocation hearing on June 24, 2021 and again on August 18, 2021. (Docs. 67 and 69.) Old Chief and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations. Old Chief's violation of his conditions of supervised release represents a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Old Chief's supervised release and commit him to the custody of the Bureau of Prisons for 6 months. (Doc. 64.) Judge Johnston further has recommended a term of 32 months of supervised release to follow. Accordingly,

IT IS HEREBY ORDERED that Old Chief's objection is denied. Judge Johnston's Findings and Recommendations, (Doc. 64) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Ryan Dale Old Chief be sentenced to the custody of the Bureau of Prisons for a term of 6 months, with 32 months of supervised release to follow.

DATED this 18th day of August, 2021.



Brian Morris, Chief District Judge
United States District Court